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**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DAVID MANTZ,</b>	) Case No.
	)
Plaintiff,	) <b>COMPLAINT FOR VIOLATION</b>
	) <b>OF THE PENNSYLVANIA FAIR</b>
vs.	) <b>CREDIT EXTENSION</b>
	) <b>UNIFORMITY ACT,</b>
<b>MONARCH RECOVERY</b>	) <b>PENNSYLVANIA UNFAIR TRADE</b>
<b>MANAGEMENT, INC.,</b>	) <b>PRACTICES AND CONSUMER</b>
	) <b>PROTECTION LAW, FEDERAL</b>
Defendant.	) <b>FAIR DEBT COLLECTION</b>
	) <b>PRACTICES ACT AND</b>
	) <b>TELEPHONE CONSUMER</b>
	) <b>PROTECTION ACT</b>
	)

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Pennsylvania Fair Credit Extension Uniformity Act and Pennsylvania Unfair Trade Practices and Consumer Protection Law. Furthermore, Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from

1 engaging in abusive, deceptive, and unfair practices. Ancillary to the claims  
2 above, Plaintiff further alleges claims for Defendant's violations of the Telephone  
3 Consumer Protection Act., 47 U.S.C. §227, *et seq.* (hereinafter "TCPA").  
4

## 5 **II. JURISDICTION**

6  
7 2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

## 8 **III. PARTIES**

9  
10 3. Plaintiff, David Mantz ("Plaintiff"), is a natural person residing in  
11 Northumberland county in the state of Pennsylvania, and is a "consumer" as  
12 defined by the FDCPA, 15 U.S.C. §1692a(3).  
13

14 4. At all relevant times herein, Defendant, Monarch Recovery  
15 Management, Inc., ("Defendant") was a company engaged, by use of the mails  
16 and telephone, in the business of collecting a debt from Plaintiff which qualifies  
17 as a "debt," as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to  
18 collect debts alleged to be due another, and therefore is a "debt collector" as  
19 defined by the FDCPA, 15 U.S.C. §1692a(6).  
20  
21

## 22 **IV. FACTUAL ALLEGATIONS**

23  
24 5. At various and multiple times prior to the filing of the instant  
25 complaint, including within the one year preceding the filing of this complaint,  
26 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.  
27  
28

1           6. Defendant attempted to contact Plaintiff at (570) 996-9591, in  
2 connection with an attempt to collect an alleged debt that does not belong to  
3 Plaintiff.  
4

5           7. Plaintiff, on more than one occasion, requested that they cease and  
6 desist from contacting him at (570) 996-9591 as they were contacting the wrong  
7 party.  
8

9           8. Defendant contacted Plaintiff at times and places that were known or  
10 should have been known to be inconvenient, including calls made to (570) 996-  
11 9591 after being informed that Plaintiff was not the person who owed the alleged  
12 debt.  
13

14           9. Plaintiff received automatically dialed collections calls to his cellular  
15 phone (570) 996-9591 from Defendant in connection with an attempt to collect an  
16 alleged debt that he did not owe.  
17

18           10. Defendant placed automatically dialed collection calls to Plaintiff's  
19 cellular phone (570) 996-9591 in connection with an attempt to collect an alleged  
20 debt that he did not owe, causing Plaintiff to incur charges for each of call.  
21

22           **COUNT I: VIOLATION OF THE PENNSYLVANIA FAIR CREDIT**  
23           **EXTENSION UNIFORMITY ACT**  
24

25           11. Plaintiff hereby incorporates all facts and allegations set forth in this  
26 Complaint by reference as if fully set forth at length herein.  
27  
28

1           12. The Pennsylvania Fair Credit Extension Uniformity Act  
2 (“PaFCEUA”) 73 P.S. § 2270.1 *et seq.* prohibits harassing and deceptive conduct  
3 by creditors while engaging in the practice of collecting a debt from consumers.  
4

5           13. Section 2270.5 of the PaFCEUA allows consumers to recover  
6 damages against creditors who engage in unfair and deceptive debt collection  
7 practices under the Pennsylvania Unfair Trade Practices and Consumer Protection  
8 Law (“PUTCPL”).  
9  
10

11           14. Plaintiff is a “consumer” as defined by § 2270.3 of the PaFCEUA.

12           15. Defendant is a “creditor” as defined by § 2270.3 of the PaFCEUA.  
13

14           16. Defendant’s conduct violated the PaFCEUA in multiple ways,  
15 including but not limited to:  
16

- 17           a) Causing Plaintiff’s telephone to ring repeatedly or  
18 continuously with intent to harass, annoy or abuse  
19 Plaintiff; and  
20           b) Communicating with Plaintiff at times or places which  
21 were known or should have been known to be  
22 inconvenient for Plaintiff.

23           17. As a result of the above violations of the PaFCEUA Plaintiff suffered  
24 and continues to suffer injury to Plaintiff’s feelings, personal humiliation,  
25 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
26 Plaintiff for Plaintiff’s actual damages, statutory damages, and costs and  
27 attorney’s fees.  
28

**COUNT II: VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE  
PRACTICES AND CONSUMER PROTECTION LAW**

18. Plaintiff hereby incorporates all facts and allegations set forth in this Complaint by reference as if fully set forth at length herein.

19. Defendant's conduct as set forth above constitutes an unfair or deceptive practice within the meaning of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §201-1, et seq.

20. Defendant's violation of the Pennsylvania Unfair Trade Practices and Consumer Protection law has caused Plaintiff to suffer the damage set forth hereinabove.

21. Plaintiff is entitled to triple damages and attorneys' fees as a result of Defendant's conduct, pursuant to 73 P.S. §201-9.2.

**COUNT III: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

22. Plaintiff reincorporates by reference all of the preceding paragraphs.

23. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

- a. Causing Plaintiff's telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§ 1692d(5));and
- b. Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff (§1692c(a)(1)).

1  
2 24. As a result of the above violations of the FDCPA Plaintiff suffered  
3 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
4 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
5 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
6 attorney's fees.  
7

8  
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
11 against the Defendant for the following:  
12

- 13 A. Declaratory judgment that Defendant's conduct  
14 violated the FDCPA;  
15 B. Actual damages;  
16 C. Statutory damages;  
17 D. Costs and reasonable attorney's fees; and,  
18 E. For such other and further relief as may be just and proper.  
19

20 **COUNT IV: VIOLATION OF TELEPHONE CONSUMER PROTECTION**

21 **ACT**

22 25. Plaintiff reincorporates by reference all of the preceding paragraphs.  
23

24 26. Defendant's conduct violated the TCPA in multiple ways, including  
25 but not limited to:

- 26 a) using any automatic telephone dialing system or an artificial or pre-  
27 recorded voice to any telephone number assigned to a paging  
28 service, cellular telephone service, specialized mobile radio service,

1 or other radio common carrier service, or any service for which the  
2 called party is charged for the call (47 USC §227(b)(A)(iii)).

3 27. As a result of the above violations of the TCPA Plaintiff suffered  
4 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
5 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
6 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
7 attorney's fees.  
8

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
12 against the Defendant for the following:  
13

- 14 A. Declaratory judgment that Defendant's conduct  
15 violated the TCPA;  
16 B. Actual damages;  
17 C. Statutory damages for willful and negligent violations;  
18 D. Costs and reasonable attorney's fees,  
19 E. For such other and further relief as may be just and proper.  
20

21 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

22 Respectfully submitted this 7th day of November, 2011.  
23

24 By: /s Cynthia Levin  
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